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Phone trail may lead to jail for Bortner

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DOVER — Amanda Bortner may not be home for Christmas, if the state is successful in its motion to revoke her bail based on more than 26 hours of phone conversations with her daughter's convicted killer.

Bortner, 20, was convicted last month on two misdemeanor counts of endangering the welfare of a child for failing to protect 21-month-old Cassidy from the abuse that claimed her life. She has been free on bail pending her Jan. 3 sentencing.

Bortner's boyfriend, 31-year-old Chad Evans, was convicted in December 2001 of second-degree murder and multiple counts of assault in connection with Cassidy's death. Her release on bail included a condition that she have no contact with Evans.

The toddler died from blunt force injuries to the head and abdomen after what court documents and medical evidence revealed to be months of abuse.

Assistant Attorney General David Ruoff, who is prosecuting Bortner's case, filed a motion to have her bail revoked Friday morning after reviewing compact discs of Evans and Bortner's phone conversations.

A bail revocation hearing will be held Monday afternoon at Strafford County Superior Court.

Evans is serving a sentence of 28 years to life at New Hampshire State Prison in Concord.

According to Ruoff's motion, Bortner and Evans have had at least 1,587 minutes of phone conversations between Aug. 6 and the present.

As all calls made from inmates at the New Hampshire State prison are recorded, New Hampshire State Police Sgt. James White "selected a few dates around the defendant's trial in this matter and requested to review the recordings of those conversations," Ruoff noted.

White monitored calls recorded between Bortner and Evans on Nov. 9, 20, 21, and 22 and on Dec. 8, 2002.

"Contact is still ongoing and has been facilitated by Chad Evans' family," Ruoff noted.

In addition to seeking revocation of Bortner's bail, the motion requests the court to "issue an immediate order precluding the defendant from having any contact,

direct or indirect, with any member of Chad Evans' family or Tristan Evans."

Tristan Evans is Chad Evans' former wife.

Authorities began gathering proof of the phone contact earlier this month, when White contacted the prison about Evans' phone privileges and the prohibition of contact with Bortner.

White subsequently retrieved 10 compact disc recordings of phone calls. When he listened to the recording, he recognized Bortner's voice. White was one of the investigators who interviewed Bortner during the investigation of her daughter's death.

"Through listening to the conversations, Sgt. White learned that Evans and the defendant had contrived other ways to have contact: his parents passed letters between them and would forward his calls to the defendant. Sgt. White also learned that other third parties would forward his calls so that the defendant and Evans could have contact ... Sgt. White heard the defendant and Evans talk about the fact that they had to be careful to not get caught. At one point the defendant tells Evans that her 'friends' at church know they are having contact, and he gets angry over the phone," Ruoff wrote in his motion.

Bortner and Evans also discuss the amounts of her phone bill, according to the motion, and at one point she discloses that her prior bill for Evans' collect calls was more than \$800.

Bortner has been represented by a court-appointed attorney since she was charged with child endangerment. The state is required to pay for Bortner's attorney because she filed a financial affidavit stating she could not afford an attorney.

According to Bortner's probation officer, the defendant has had the phone number Evans called from prison since August 2002. Her prior phone number was disconnected and the number Evans' called was listed under the name of Mandy Allard, according to the motion. Ruoff noted that had been part of the state's first request to revoke Bortner's bail, filed this summer.

White has learned that a total of 36 calls had been completed from Evans to Bortner between Aug. 6 and Dec. 12, 2002, for a total of 1,582 minutes.

Ruoff noted that those totals do not include the calls that were "flash" forwarded to Bortner or calls to Bortner's cell phone.

Ruoff noted the state has not yet researched whether she accepted the phone calls from Evans at any of her prior phone numbers.

Bortner faces a maximum sentence of two years in jail on her two child endangerment convictions.

Based on the circumstances surrounding Cassidy's death, a bill is scheduled to be presented to the New Hampshire Legislature next year to increase the penalties for parents and caregivers who do not protect children from abuse.

Bortner could not be reached Friday for comment on the state's motion to revoke her bail.